

**From:** Nick White <nwhite@gordonlegal.com.au>  
**Sent:** Wednesday, 24 March 2021 3:56 PM  
**To:** AMOD <AMOD@fwc.gov.au>  
**Subject:** AM2020/99 - Application by Health Services Union & Ors

Dear Sir/Madam

In accordance with the President's Statement dated 18 March 2021 (*Re Aged Care Award 2010* [2021] FWC 1485) at [6], please find attached the variation sought to the directions dated 18 December 2020.

We refer to the correspondence from the United Workers Union ("UWU") dated 24 March 2021, which was posted earlier today on the Commission's dedicated Major Cases webpage for this matter. While the proposed variation is intended to conform with the position set out in that correspondence, please note that we have not been able to obtain the UWU's agreement or otherwise to the terms of the proposed variation before the time for compliance with the Commission's direction today.

Regards

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## IN THE FAIR WORK COMMISSION

**Matter No.:** AM2020/99  
**Re Application by:** Health Services Union and others

### PROPOSED VARIATION TO THE DIRECTIONS DATED 18 DECEMBER 2020

The following variations are sought to the directions dated 18 December 2020 in relation to the application to vary the *Aged Care Award 2010* (AM2020/99).

“The Commission notes that, in accordance with the recommendation of the Royal Commission into Aged Care Quality and Safety, the Australian Nursing and Midwifery Federation (“ANMF”) and the United Workers Union (“UWU”) will seek to collaborate with the other union parties, the Australian Government and employers with a view to varying the wage rates in the *Aged Care Award 2010*, the *Social, Community, Home Care and Disability Services Industry Award 2010* and the *Nurses Award 2010* to:

- a. reflect the work value of aged care employees in accordance with section 158 of the *Fair Work Act 2009*, and/or
- b. seek to ensure equal remuneration for men and women workers for work of equal or comparable value in accordance with section 302 of the *Fair Work Act 2009*.

The following directions are made in relation to the application to vary the *Aged Care Award 2010* (AM2020/99).

1. The ANMF will file an application to vary the *Nurses Award 2010* and the UWU will file an application to vary the *Social, Community, Home Care and Disability Services Industry Award 2010* by **4pm on Monday 17 May 2021**.
2. The ANMF will file any agreed position involving union parties, employers and/or the Australian Government in relation to proposed variations to the *Aged Care Award 2010*, the *Social, Community, Home Care and Disability Services Industry Award 2010* and the *Nurses Award 2010*, as recommended by the Royal Commission into Aged Care Quality and Safety, by **4pm on Friday 11 June 2021**.
3. The applications to vary the *Aged Care Award 2010* (AM2020/99), the *Nurses Award 2010* and the *Social, Community, Home Care and Disability Services Industry Award 2010* will be listed for Mention on a date to be fixed on or after **Friday 25 June 2021**.

<b>Lodged by:</b> Australian Nursing and Midwifery Federation	<b>Telephone:</b> (03) 9603 3035
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4. The applications to vary the *Nurses Award 2010* and the *Social, Community, Home Care and Disability Services Industry Award 2010*, and any agreed position, should be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au).
5. The parties are granted liberty to apply to vary the above directions.
6. The directions dated 18 December 2020 are set aside.”

24 March 2021